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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/506,403	09/01/2004	Georg Rose	DE 020058	8464

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EXAMINER

NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

DATE MAILED: 06/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/506,403

Applicant(s)

ROSE, GEORG

Examiner

Tuan H. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 4-10 and 12-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette (US PAT. 6,321,095) in view of Novakov (U.S PAT. 6,571,103).

Consider claim 1, Gavette teaches a method of data transmission between mobile telephones, characterized in that a request signal is sent from a first mobile telephone to a second mobile telephone via a wireless communication interface (col. 2 lines 14-29).

Gavette does not explicitly show that the telephone number of the second mobile telephone is transmitted to the first mobile telephone.

In the same field of endeavor, Novakov teaches the telephone number of the second mobile telephone is transmitted to the first mobile telephone (col. 5 lines 7-28).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, the telephone number of the second mobile telephone is transmitted to the first mobile telephone, as taught by Novakov, in order to establish a communication link between a telecommunications network and a mobile station via a local station connected to telecommunications network and a short range radio channel between local station and mobile station.

Consider claim 4, Novakov further teaches user-specific data of the second mobile telephone, such as a name and/or address and/or e-mail address, are also transmitted to the first mobile telephone (col. 4 lines 32-46).

Consider claim 5, Novakov further teaches a message, preferably formed as an SMS message, is sent by the first mobile telephone to the second mobile telephone (col. 4 lines 32-46).

Consider claim 6, Novakov further teaches an optical and/or acoustic and/or vibration signal is emitted at the first and/or the second mobile telephone after data transmission (col. 7 lines 30-37).

Consider claim 7, Novakov further teaches the data transmission function can be switched off by the user at the second mobile telephone (col. 8 lines 49-58).

Consider claim 8, Novakov further teaches the data transmission takes place as a function of fulfillment of a given or specifiable criterion (col. 4 lines 32-46).

Consider claim 9, Novakov further teaches criterion comprises a user-specific profile and/or filter (col. 6 lines 12-22).

Consider claim 10, Gavette further teaches those second mobile telephones which are ready for data transmission are displayed on the first mobile telephone (col. 11 line 30-45).

Consider claim 12, Gavette further teaches designed for implementing the method of data transmission between mobile telephones, characterized in that a request signal is sent from a first mobile telephone to a second mobile telephone via a wireless communication interface, and the telephone number of the second mobile telephone is transmitted to the first mobile telephone (col. 18 lines 37-43).

Consider claim 13, Gavette further teaches a plurality of mobile telephones designed for implementing data transmission between mobile telephones, characterized in that a request signal is sent from a first mobile telephone to a second mobile

telephone via a wireless communication interface, and the telephone number of the second mobile telephone is transmitted to the first mobile telephone (col. 2 lines 14-18).

4. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette (US PAT. 6,321,095) in view of Novakov (U.S PAT. 6,571,103) as applied to claim 1 above, and further in view of Kitazumi et al. (U.S PUB. 2004/0029613 hereinafter, "Kitazumi").

Consider claim 2, Gavette and Novakov, in combination, fails to disclose an infrared interface is used as the wireless communication interface. However, Kitazumi teaches an infrared interface is used as the wireless communication interface (see fig. 15 page 7 [0114]). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Kitazumi into view of Gavette and Novakov, in order to provide an infrared communication adapter which can carry out a data exchange with an external equipment having an infrared communication interface even though a portable telephone does not have an infrared communication function.

Consider claim 3, Kitazumi further teaches the telephone numbers are transmitted via an infrared interface and/or a radio connection, in particular a Bluetooth connection, a DECT connection, and/or a GSM connection (page 6 [0097]).

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5. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gavette (US PAT. 6,321,095) in view of Novakov (U.S PAT. 6,571,103) as applied to claim 1 above, and further in view of Anttila (U.S PAT. 6,370,394).

Consider claim 11, Gavette and Novakov, in combination, fails to disclose the data transmission takes place between all subscribers of a GSM network, between subscribers within a send/receive cell, or between subscribers of a defined group. However, Anttila teaches the data transmission takes place between all subscribers of a GSM network, between subscribers within a send/receive cell, or between subscribers of a defined group (col. 9 line 37 through col. 10 line 25). Therefore, it is obvious to one of ordinary skill in the art at the time the invention was made to incorporate the disclosing of Anttila into view of Gavette and Novakov, in order to provide flexible system which reduces the problems caused by overlapping networks.

Conclusion

6. Any response to this action should be mailed to:

Mail Stop_____ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

P.O. Box 1450

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Facsimile responses should be faxed to:

(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571) 272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information Consider the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen
Examiner
Art Unit 2618


NAY MAUNG
SUPERVISORY PATENT EXAMINER